



P.O. Box 14300, Washington, DC 20044-7300 • p202 624-2500 • f202 628-8844

**FACSIMILE COVER PAGE**Date August 3, 2005To: U.S. Patent and Trademark OfficeFacsimile Telephone Number: 571-273-0299Total Number of Pages (Includes Cover Sheet): 7From: Herbert I. Cantor, Reg. No. 24,392Phone: 202-508-8902

Our Ref: 010746.48111RE

User ID: 1818Your Ref: US Appln No. 09/368,505Message: **COURTESY COPY**Hard Copy to Follow: ☐ Yes ☒ No

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Thank You

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No. : 09/368,505 Confirmation No.: 5618  
Applicant : Gerd BRANDHORST et al  
Filed : August 5, 1999 **APPEAL NO. 2005-1900**  
TC/AU : 3754  
Examiner : Philippe DERAKSHANI  
Docket No. : 010746.48111RE  
Customer No. : 23911  
Title : DEVICE FOR EMPTYING A FILM TUBE

**ADDENDUM TO CONFIRMATION OF HEARING**

Commissioner for Patents  
P.O. box 1460  
Alexandria, VA 22313-1450

Sir:

This is supplemental to the Confirmation of Hearing filed herewith.

**Request to Participate Telephonically**

Counsel for Appellants elects to participate in the oral hearing telephonically. The Board is respectfully requested to provide appropriate instructions. Please send the instructions to the undersigned by fax at 202-628-8844.

**Clarification**

On October 8, 2003, Appellants filed a "Communication" asking the Board to remand

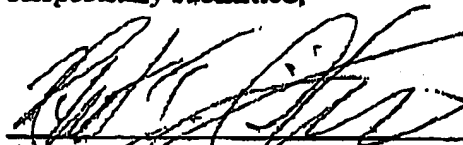
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this case to the Examiner if the file had already been transmitted to the Board or, alternatively, asking the Examiner to reconsider the final rejection if the case had not yet been transmitted to the Board, in light of the then recently published decision and opinion in the case of *Ex parte Eggen*, 67 USPQ2d 1716 (BPAI 2003).

Since the Examiner did not comment on the Communication after the file had been lost in the PTO for some 2 ½ years, it is assumed that the paper did not make its way to the file. In order that the file be complete, a copy of the Communication (without enclosure) is submitted herewith along with a copy of the post card receipt.

Under the circumstances, and in order to expedite the appeal, the request for remand is hereby withdrawn.

Respectfully submitted,



Herbert L. Cantor  
Registration No. 24,392

August 3, 2005

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HIC:moi